

**MAILED TO COUNSEL**  
3/31

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/31/08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANTHONY GEORGE,

Plaintiff,

-against-

DUTY MINER, CAPTAIN JOHN, CAPTAIN BOWEN,  
CAPTAIN WASACK, JOHN DOE OFFICERS

Defendants.

----- X

----- X

ANTHONY GEORGE,

Plaintiff,

-against-

DUTY WARDEN COLLANS, DUTY WARDEN  
RIVERA, DUTY WARDEN CRIPPS, DEPARTMENT  
OF CORRECTIONS,

Defendants.

----- X

**WHEREAS**, plaintiff Anthony George commenced the action entitled Anthony George v. Duty Miner et al., 07 Civ. 6596 (LAP) (RLE), by filing a complaint on or about July 23, 2007, alleging that defendants violated his constitutional rights; and

**WHEREAS**, plaintiff Anthony George commenced the action entitled Anthony George v. Duty Warden Collans, et al., 07 Civ. 7907 (LAP), by filing a complaint on or about September 7, 2007, alleging that defendants violated his constitutional rights; and

**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISCONTINUANCE**

07 Civ. 6596 (LAP)(RLE)

RECEIVED

APR 1 2008  
LORETTA A. PRESKA  
U. S. DISTRICT JUDGE  
S. D. N. Y.

07 Civ. 7907 (LAP)

**WHEREAS**, defendants in both actions have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced actions are hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Anthony George the sum of ***One Thousand Dollars (\$1,000.00)*** in full satisfaction of all claims, including claims for costs, fees and expenses. In consideration for the payment of this sum, plaintiff Anthony George agrees to dismissal with prejudice of all claims against defendants, and to release all defendants, and any present or former employees or agents of the City of New York, and the New York City Department of Correction, from any and all liability, claims, or rights of action under state or federal law arising from and contained in the complaints in these actions, including claims for costs, expenses or attorneys fees.

3. Plaintiff Anthony George shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above, and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any

other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or the New York City Department of Correction.

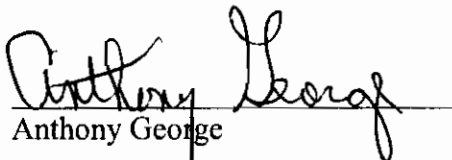
6. This Stipulation and Order, comprising four typewritten pages, contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto or to vary the terms and conditions contained herein.

Dated: New York, New York  
March ~~27~~ 2008

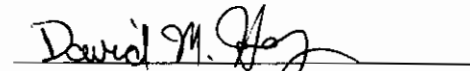
Anthony George  
308 East 175<sup>th</sup> Street  
Bronx, NY 10457  
(718) 715-9972

MICHAEL A. CARDOZO  
Corporation Counsel  
of the City of New York  
Attorney for Defendant City of New York  
100 Church Street, Room 3-186  
New York, N.Y. 10007  
(212) 788-8084

By:

  
Anthony George


By:

  
David M. Hazan (DH-8611)  
Assistant Corporation Counsel  
Special Federal Litigation Division

SO ORDERED:

The Clerk of the Court Shall  
mark this action closed and all  
pending motions denied as moot.

SO ORDERED:

  
Honorable Loretta A. Preska  
United States District Judge, S.D.N.Y.

LORETTA A. PRESKA, U.S.D.J.

March 31, 2008 <sup>M</sup>